

Notice of Allowability

Application No.

10/037,116

Examiner

Matthew W. Genack

Applicant(s)

SAUER ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 December 2006.
2. ☒ The allowed claim(s) is/are 58 and 60-83.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



DUC M. NGUYEN
SUPERVISORY PRIMARY EXAMINER
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DETAILED ACTION

Allowable Subject Matter

1. Claims 58 and 60-83 are allowed.

Regarding Claims 58, 69, 72, and 78, Wilk discloses a method and device for telephone call answering by a callee (Abstract, Column 1 Lines 6-10, Column 2 Lines 14-17). Specifically, the callee has a wireless telephone with a memory (Column 3 Lines 30-35, Fig. 1). Said wireless telephone memory stores a plurality of predefined outgoing messages (by inherency, each outgoing message will be associated with a binary number identifier) (Column 3 Lines 30-41, Column 4 Lines 10-30). The predefined messages may be provided in a plurality of languages (by inherency, each language offered will be associated with a binary number identifier) (Column 7 Lines 24-30). The callee selects a particular outgoing message and plays the selected message for the caller (who may also be using a wireless telephone) (Column 5 Lines 49-62, Fig. 2).

Wilk does not disclose the practice whereby a first wireless communication device transmits one of a plurality of codes, each code corresponding to a particular message in a particular language, to a second wireless communication device, the second wireless communication device containing each of the plurality of codes and the associated message for each code, the second wireless communication device retrieving from its memory the message associated with the received code. No prior art reference was

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found that discloses this feature. Therefore, Claims 58, 69, 72, and 78 are allowable over the prior art.

Claims 60-68, 70-71, 73-77, and 79-83 depend on Claims 58, 69, 72, and 78, respectively, and therefore are also allowable over the prior art.

Response to Arguments

2. Applicant's arguments, with respect to Claims 58 and 60-83 have been fully considered and are persuasive. The rejections of Claims 58 and 60-83 have been withdrawn.

EXAMINER'S AMENDMENT

3. The application has been amended as follows:

- Claim 58 is renumbered as Claim 1
- Claim 60 is renumbered as Claim 2
- Claim 61 is renumbered as Claim 3
- Claim 62 is renumbered as Claim 4
- Claim 63 is renumbered as Claim 5
- Claim 64 is renumbered as Claim 6
- Claim 65 is renumbered as Claim 7
- Claim 66 is renumbered as Claim 8
- Claim 67 is renumbered as Claim 9
- Claim 68 is renumbered as Claim 10
- Claim 69 is renumbered as Claim 11
- Claim 70 is renumbered as Claim 12

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- Claim 71 is renumbered as Claim 13
- Claim 72 is renumbered as Claim 14
- Claim 73 is renumbered as Claim 15
- Claim 74 is renumbered as Claim 16
- Claim 75 is renumbered as Claim 17
- Claim 76 is renumbered as Claim 18
- Claim 77 is renumbered as Claim 19
- Claim 78 is renumbered as Claim 20
- Claim 79 is renumbered as Claim 21
- Claim 80 is renumbered as Claim 22
- Claim 81 is renumbered as Claim 23
- Claim 82 is renumbered as Claim 24
- Claim 83 is renumbered as Claim 25

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew W. Genack whose telephone number is 571-272-7541. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew Genack

Examiner

TC-2600, Division 2617

Matthew Genack

1 March 2007

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